

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS,
EASTERN DIVISION**

MICHELLE HOLT,)	
)	
Plaintiff,)	
)	
v.)	No.
)	
LINEBARGER GOGGAN BLAIR &)	
SAMPSON, LLP,)	
)	
Defendant.)	JURY DEMANDED

COMPLAINT

1. Plaintiff Michelle Holt files this complaint seeking redress for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*, (“FDCPA”).

Jurisdiction and Venue

2. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and 15 U.S.C. § 1692k.

3. Venue is proper in this district under 28 U.S.C. § 1391(b), as the acts and transactions that give rise to this action occurred, in substantial part, in this district.

4. Venue is also proper because Defendant transacts business here, with an office located at 233 S. Wacker Dr., Suite 4030, Chicago, Illinois 60606.

Parties

5. Plaintiff Michelle Holt is a consumer residing in Chicago, Illinois.

6. Defendant Linebarger Goggan Blair & Sampson, LLP (“Linebarger Goggan”) has a principal office located in Austin, Texas but, according to its website, has “offices conveniently located throughout the country,” including one in this district.

7. Linebarger Goggan is regularly engaged in the business of collecting debts allegedly owed by consumers.

8. Linebarger Goggan is a “debt collector” as that term is defined by § 1692a(6) of the FDCPA.

COUNT I
Violations of 15 U.S.C. § 1692c(b)

9. Plaintiff restates, realleges, and incorporates herein by reference all foregoing paragraphs as if set forth fully in this Count.

10. In April of 2009, Linebarger Goggan attempted to collect a \$200.00 consumer debt allegedly owed to Provident Hospital from Plaintiff Michelle Holt.

11. On or about April 10, 2009, Linebarger Goggan called a telephone number registered in the name of one Vivian Holt in an effort to reach Michelle Holt.

12. At that time, in an attempt to collect a debt, Linebarger Goggan left an automated message for Michelle Holt on the answering machine connected to the number registered to Vivian Holt.

13. Linebarger Goggan’s message stated, in relevant part:

Michelle, this is a debt collector with Linebarger Goggan Blair & Sampson. Please call me toll free at [number omitted from message]. This is an attempt to collect a debt and any information obtained will be used for that purpose.

14. Linebarger Goggan’s message to Michelle Holt was heard by Vivian Holt and another of Michelle’s co-residents, Kimberly Holt.

15. 15 U.S.C. § 1692c(b) provides:

Communication with third parties. Except as provided in section 804 [15 USCS § 1692b], without the prior consent of the consumer given directly to the debt collector, or the express permission of a court of competent jurisdiction, or as reasonably necessary to effectuate a postjudgment

judicial remedy, a debt collector may not communicate, in connection with the collection of any debt, with any person other than the consumer, his attorney, a consumer reporting agency if otherwise permitted by law, the creditor, the attorney of the creditor, or the attorney of the debt collector.

16. By virtue of its conduct in leaving an automated debt collection message for Michelle Holt that was heard by third parties, Linebarger Goggan violated § 1692c(b) of the FDCPA and caused damage to Ms. Holt.

WHEREFORE, Plaintiff Michelle Holt asks that this Court enter judgment in her favor, against Defendant Linebarger Goggan Blair & Sampson, LLP and award the following:

- (A) Actual and statutory damages as provided under the FDCPA, 15 U.S.C. § 1692k;
- (B) Reasonable attorney fees, litigation expenses and costs incurred in bringing this action; and
- (C) Any other relief that this Court deems appropriate and just under the circumstances.

Plaintiff demands trial by jury.

Respectfully submitted,

By: /s/ Lance A. Raphael
One of Plaintiff's Attorneys

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